



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,660	02/25/2000	Edwin M. Dylag	11983 0016	6849
8791	7590	05/17/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			PATEL, AJIT	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,660

Applicant(s) ☒

DYLAG ET AL.

Examiner

AJIT G. PATEL

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-32 is/are allowed.
- 6) ☒ Claim(s) 1-2733 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Regarding claims 33,34, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12,14-22,24-27,33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Farris et al (U.S. pat. # 6,721,306).

Regarding claim 1, Farris et al disclose a communication system which comprises a computer means for conveying telephone features to a user (29 of fig. 1); a telephony server means for translating telephony signals from a telephone switch to a form useable by the computer means (45 of fig. 1); a computer link means for connecting the computer means and telephony server (the connection between the computers 21,29 and 45); and a telephony link means for connecting the telephone switch and the telephony server (the connection between 45 and 47 or 49).

Regarding claim 2, Farris et al disclose the computer means includes a computer display a present a plurality of digital telephone features in a visual fashion to a user (lines 15-19 col. 9).

Regarding claim 3, Farris et al disclose the computer means uses a mouse to accept control input from a user to control a virtual telephone (lines 10-15, col. 9).

Regarding claim 4, Farris et al disclose the computer means includes a computer program to provide a graphical interface to the user to convey telephony features and accept commands from the user (lines 15-19, col. 9).

Regarding claim 5, Farris et al disclose the limitation wherein the telephony server means comprises an interface means to terminate a telephone link to a telephone switch; an application programming interface that enable an application to control the interface means to terminate a telephone link; and a logic means to provide the telephony features in a format that is usable by the computer means (lines 25-46, col. 10; lines 28-61, col. 13).

Regarding claim 6, Farris et al disclose the telephony server means includes a monitor means that provides the state for the interface means (lines 15-24, col. 10).

Regarding claim 7, Farris et al disclose the application programming interface includes features found on digital telephones including dial, transfer, conference, hold, display information, multiple appearances, redial, message waiting indication, disconnect call, hook switch control, handset, speaker and microphone (lines 10-29, col. 9; it is noted the same computer is also located in PSTN gateway 45).

Regarding claim 8, Farris et al disclose the logic means provides a conversion means between a telephony protocol of the telephony link means and a link protocol between the computer means and the telephony server means (lines 25-65, col. 10).

Regarding claim 9, Farris et al disclose the telephony protocol is a synchronous protocol (voice coming from telephone 49 to the voice gateway is the synchronous protocol in fig. 1).

Regarding claim 10, Farris et al disclose the telephony protocol supports appropriate digital telephones found as station sets on PBXs (lines 1-14, col. 16).

Regarding claim 11, Farris et al disclose the link protocol is an asynchronous protocol based on the Internet protocol over Ethernet (lines 47-48, vol. 15).

Regarding claim 12, Farris et al disclose the interface means connects voice information to a voice packetization means for delivery over the computer means (45 or 5 of fig. 1).

Regarding claims 13,14, Farris et al disclose the interface means connects control information to a packetization means comprises TCP/IP socket) for delivery over the computer link means (lines 33-35, col. 10).

Regarding claim 16, Farris et al disclose the control packetization means comprises a server control object which manages commands and events among a plurality of means consisting of the interface means, the computer link means and the monitor means (lines 15-65, col. 10).

Regarding claims 17,18, Farris et al disclose the computer link means can comprise a Local Area network, a remote Access Server with modem, the Public Switched telephone network, a client Modem, a web server and Internet (fig. 1).

Regarding claims 19,20, Farris et al disclose the computer link means connect to a plurality of computer means and a plurality of computer link means connect to a plurality of computer means (figs. 1,2,3).

Regarding claim 24, Farris et al disclose the computer means is a wireless telephone system (3,5 of fig. 1).

The claims 25-27 and 33-34 are rejected (please see the rejection above).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris et al in view of Ma (U.S. Pat. 6,373,857).

Regarding claim 13, Farris et al disclose all the claimed subject matter as described in previous paragraph except H.323 protocol standard. Ma discloses a communication system in which H.323 protocol standard is used for packetizing the voice (lines 25-62, col. 4). Therefore, it would have been obvious to one skilled in the art

Art Unit: 2664

to use H.323 protocol standard is used for packetizing the voice as taught by Ma in the system of Farris et al in order to transmit the packet over Internet.

Regarding claim 23, Farris et al fails to disclose a voice mail application.

However, to use voice mail application is well known in the art.

6. Claims 28-32 are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 571-272-3140. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AP

Application/Control Number: 09/513,660

Page 7

Art Unit: 2664


Ajit Patel
Primary Examiner